

Remarks

Amendments to the Claims

Claims 1, 4-6, 8, and 17 are amended to recite sequence identifiers, which are disclosed on pages 4-13 of the specification. New claims 18-23 are directed to the elected species (see below) and are supported by the claims as originally filed. The amendments do not add new matter.

Response to Restriction Requirement

Applicants elect Group I, claims 1-15. Applicants provisionally elect the following species:

- (I) GBS saccharide antigen species: serotype Ia;
- (II) GBS polypeptide antigen combination species: GBS80 and GBS322; and
- (III) Carrier protein species: Diphtheria toxoid and CRM197.

Claims 1-15 and new claims 18-23 read on species (I) and (III). Claims 1-4, 7, and 9-15 and new claims 18-23 read on species (II).¹

Applicants traverse the species elections. Each of species (I), (II), and (III) is recited in a Markush group. M.P.E.P. § 803.02 states:

If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits

¹ On page 4, the Restriction Requirement also required election of a viral protein species, referring to “[f]our viral protein species: (i) VP26; (ii) VP28; (iii) VP19; and (iv) VP24. See claims 13-16, 20 and 26.” Applicants’ representative confirmed in a telephone conference with the Examiner on July 23, 2008 that this requirement is an inadvertent error. Only 17 were filed with the application, and none of the claims recites VP26, VP28, VP19, or VP24.

Claim 1 recites only three species of GBS saccharide antigens and only 18 GBS polypeptide antigens. Claim 12 recites only eight carrier protein species. Thus, it would not be a serious burden to examine all the members of these Markush groups. Applicants request that at least the requirements for electing species of saccharide antigens and GBS polypeptide antigen combination species be withdrawn. These species are closely related in that they all originate from Group B streptococcus. At a minimum, Applicants request that each of the GBS polypeptide antigen combination species recited in claim 4 be examined. Each of these species includes GBS80. A search for immunogenic compositions comprising GBS80 would necessarily search for immunogenic compositions comprising GBS80 and any of the other recited GBS polypeptide antigens.

Respectfully submitted,

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